

BILL NO. 2254

ORDINANCE NO. 2254

AN ORDINANCE REGARDING THE ACCEPTANCE OF 8802 LADUE ROAD BY SPECIAL WARRANTY DEED FOR INTENDED USE AS RIGHT-OF-WAY

WHEREAS, The Barton STL apartment building, is located at 8500 Maryland Avenue within the City of Clayton municipal boundary, but is immediately adjacent to two parcels located within the City of Ladue municipal boundaries with addresses of 8810 and 8802 Ladue Road; and

WHEREAS, At the time of the development of the Barton, the City of Ladue directed that there could be no building structures located on the 8810 Ladue Road and also discussed and was receptive to the potential dedication of the 8802 Ladue Road parcel to the City as ROW, however no such dedication occurred at that time; and

WHEREAS, The Barton STL is currently in the process of being sold which during the due diligence phase, revealed the unresolved potential dedication by donation of the 8802 Ladue Road parcel to the City of Ladue; and

WHEREAS, At the request of the City of Ladue, the title report for 8802 Ladue Road was supplied to the City which has been reviewed with no issues identified as well as representation that the restrictions and covenants for the Subdivision do not apply; and

WHEREAS, City Council, after careful review, desires to accept the 8802 Ladue Road parcel by Special Warranty Deed for intended use as right-of-way; and

WHEREAS, A copy of this bill has been made available for public inspection prior to its consideration by the Council and read by title two times in an open meeting prior to passage.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. The City of Ladue hereby authorizes the Mayor to accept the 8802 Ladue Road parcel by Special Warranty Deed and execute the required documents substantially in the form as attached to this ordinance.

SECTION 2. This Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED THIS ____ DAY OF _____ 2020.

President, City Council

ADOPTED AND APPROVED THIS ____ DAY OF _____ 2020.

Nancy Spewak, Mayor

ATTEST:

Laura A. Rider, City Clerk

DOCUMENT COVER SHEET

TITLE OF DOCUMENT: Special Warranty Deed

DATE OF DOCUMENT: _____, 2020

GRANTOR(S) NAME: VANGUARD CLAYTON APARTMENTS, LP,
MAILING ADDRESS: a Delaware limited partnership
8301 Maryland Ave., Suite 350
Clayton, MO 63105

GRANTEE(S) NAME: CITY OF LADUE, MISSOURI
MAILING ADDRESS: 9345 Clayton Road
 Ladue, Missouri 63124
 Attn: Administrative Department

LEGAL DESCRIPTION: See Exhibit A attached hereto

PRIOR REFERENCE BOOK AND PAGE NUMBER: N/A

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, is made and entered into as of the ____ day of _____, 2020, by **VANGUARD CLAYTON APARTMENTS, LP**, a Delaware limited partnership ("**Grantor**"), whose address is 8301 Maryland Ave., Suite 350, Clayton, MO 63105, and **CITY OF LADUE**, a municipality in the State of Missouri ("**Grantee**"), whose mailing address is 9345 Clayton Road, Ladue, Missouri 63124.

WITNESSETH, that said Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration paid to Grantor by Grantee, the receipt of which is hereby acknowledged, does by these presents **BARGAIN AND SELL, CONVEY AND CONFIRM** unto the said Grantee, a permanent fee simple in the following described real property, situated in the County of St. Louis, State of Missouri, to-wit: being the approximately .016 acres of real property more particularly described as the "City of Ladue Right-of-Way Dedication" on Exhibit "A" attached hereto and made a part hereof (the "**Property**"), such Property being subject to all covenants, conditions, restrictions, easements, rights-of-way and other matters of record.

TO HAVE AND TO HOLD the Property, with all and singular rights, privileges, appurtenances, and immunities to the same belonging, unto Grantee, and to its successors and assigns forever. Grantor hereby covenants that it and its successors and assigns, shall and will **WARRANT AND DEFEND** the title to the Property unto the said **Grantee**, and the successors and assigns of **Grantee** forever, against the lawful claims of all persons claiming by, through or under **Grantor**, but none other, excepting, however, the matters contained herein.

IN WITNESS WHEREOF, Grantor has hereunto signed and delivered this Special Warranty Deed as of the day and year first above written.

VANGUARD CLAYTON APARTMENTS, LP
a Delaware limited partnership

By: Covington Vanguard Clayton, LLC,
a Delaware limited liability company,
as General Partner

By: Covington Development LLC,
a Delaware limited liability company,
as Manager

By: _____
Name: _____
Title: _____

STATE OF MISSOURI

)

)ss.

COUNTY OF ST. LOUIS

)

On this _____ day of _____ in the year 2020 before me,
_____, a Notary Public in and for said state, personally appeared
_____, _____ of Covington
Development LLC, manager of Covington Vanguard Clayton, LLC, the General Partner of
Vanguard Clayton Apartments, LP, known to me to be the person who executed the within Deed
in behalf of said limited partnership and acknowledged to me that he or she executed the same
for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal
in the County and State aforesaid, the day and year first above written.

Notary Public

My commission expires: _____

WITNESS the due execution hereof as of the date first written above.

CITY OF LADUE, MISSOURI
the "Grantee"

By: _____
Nancy Spewak, Mayor

(Seal)

ATTEST:

Laura Rider, Assistant to the Mayor/City Clerk

CITY ACKNOWLEDGMENT

STATE OF MISSOURI)
) SS.
COUNTY OF ST. LOUIS)

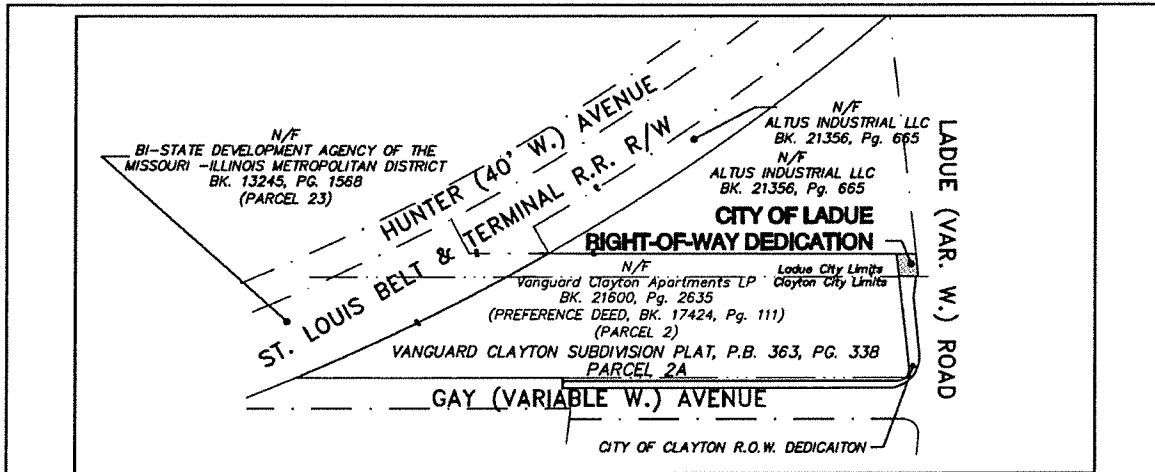
On this _____ day of _____, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Nancy Spewak and Laura Rider, who acknowledged themselves to be, respectively, the Mayor and Assistant to Mayor/City Clerk of **CITY OF LADUE, MISSOURI**, a fourth class city organized and existing under the laws of the State of Missouri, and that they, as such Mayor and City Clerk, are authorized by the City Council of such City, to execute the foregoing instrument for the purposes therein contained by signing the name of the City by themselves as Mayor and City Clerk.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year above written.

Notary Public

My Commission Expires:

EXHIBIT A



PROPERTY

SCALE: 1"=200'

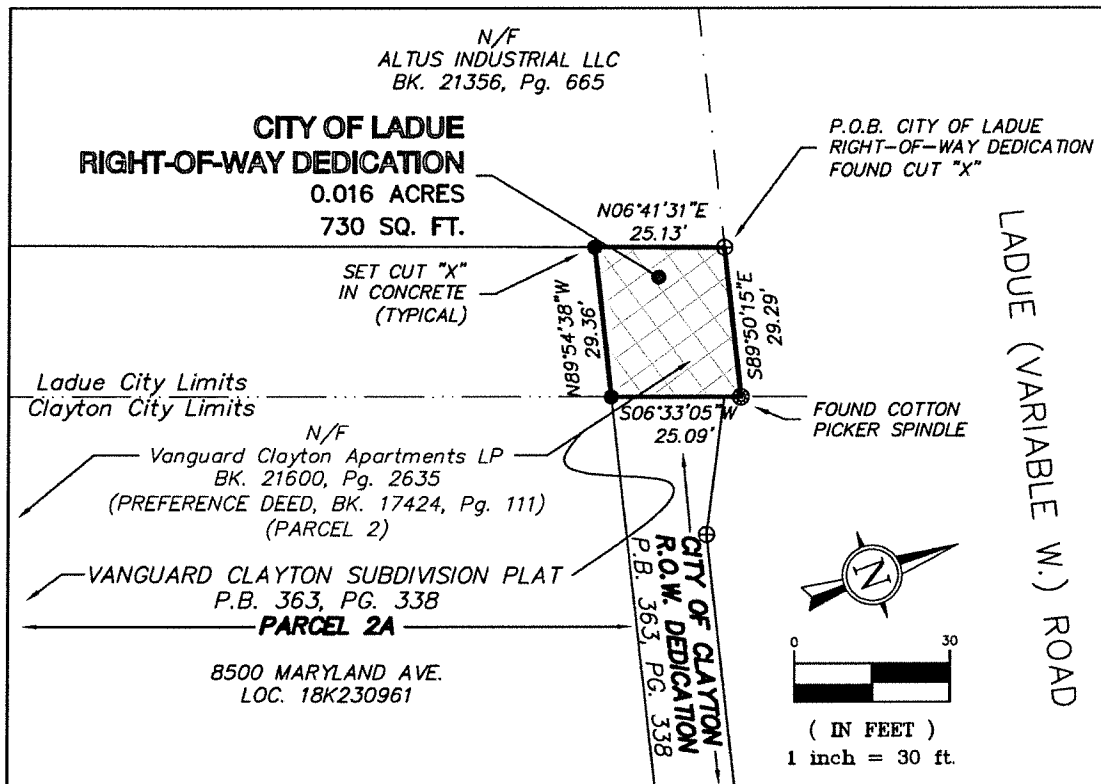


EXHIBIT "A" (Sheet 1 of 2)

INITIAL:JJH

CITY OF LADUE RIGHT-OF-WAY DEDICATION

A tract of land situated in the City of Ladue, the County of St. Louis, and the State of Missouri, lying in part of U.S. Survey 2496, Township 45 North, Range 6 East, being part of Parcel 2 as conveyed to Brown Shoe Company, Inc., as described in Deed Book 17424, Page 1111, and being part of Vanguard Clayton Subdivision Plat, Plat Book 363, Page 338, of the land records of said St. Louis County, Missouri.

--- Boundary Description ---
City of Ladue Right-of-way Dedication

A tract of land situated in the City of Ladue, the County of St. Louis, and the State of Missouri, lying in part of U.S. Survey 2496, Township 45 North, Range 6 East, and being part of "Out Boundary Parcel 2" of Vanguard Clayton Subdivision Plat, a subdivision filed for record in Plat Book 363, Page 338 of the land records of said St. Louis County, Missouri being more particularly described as follows:

BEGINNING at a found cut "X" marking the Northwestern corner of said Parcel 2, being on the Southern right-of-way line of Ladue Road, 60 feet wide; thence Southeasterly, along the Southern right-of-way line of said Ladue Road, South 89 degrees 50 minutes 15 seconds East a distance of 29.29 feet to a found cotton picker spindle marking the Northwestern corner of a tract of land conveyed to the City of Clayton for the widening of Ladue Road by deed recorded in Deed Book 12595, Page 14 and Amended in Deed Book 12723, Page 1460 of said St. Louis County land records, also intersecting the City Limits Line of the City of Ladue and the City of Clayton; thence leaving said Southern right-of-way line of Ladue Road and along the Western line of said tract of land conveyed to the City of Clayton for Widening of Ladue Road and the Western line of the City of Clayton Right-of-way Dedication of said Vanguard Clayton Subdivision Plat, South 06 degrees 33 minutes 05 seconds West a distance of 25.09 feet to a set cut "X" marking the Southwest corner of said City of Clayton Right-of-way dedication, said cut "X" also being on the Northern line of Parcel 2A of said Vanguard Clayton Subdivision Plat; thence leaving said Western line of the City of Clayton Right-of-way Dedication and along said Northern line of Parcel 2A, North 89 degrees 54 minutes 38 seconds West a distance of 29.36 feet a set cut "X" marking the Northwest corner of said Parcel 2A, said cut "X" also being on the Eastern line of a tract of land conveyed to Altus Industrial LLC, as recorded in Deed Book 21356, Page 665 of said St. Louis County land records; thence leaving said Northern line of Parcel 2A, and along said Eastern line of Altus Industrial LLC tract, North 06 degrees 41 minutes 31 seconds East a distance of 25.13 feet to the point of beginning.

Containing 0.016 Acres (730 Square Feet), according to Survey by Grimes Consulting, LS-343-D, dated August 2014.

EXHIBIT "A" (Sheet 2 of 2)

INITIAL:JUH

CITY OF LADUE RIGHT-OF-WAY DEDICATION

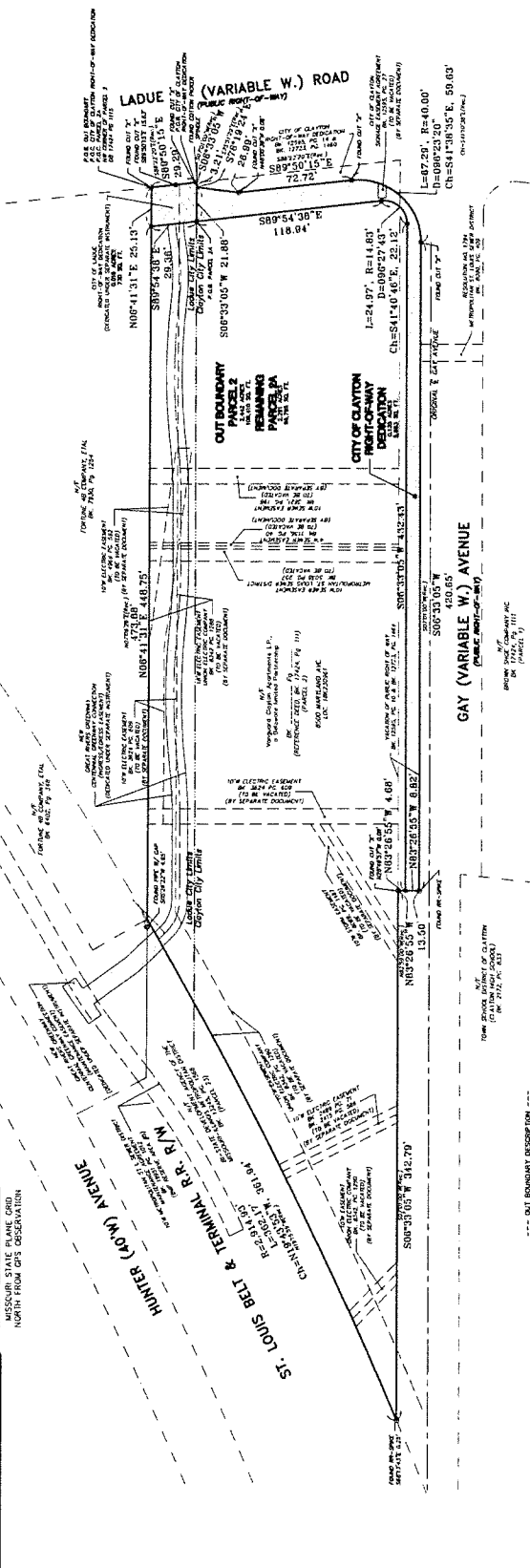
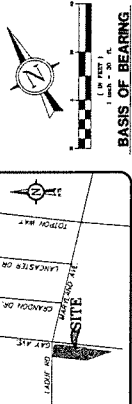
A tract of land situated in the City of Ladue, the County of St. Louis, and the State of Missouri, lying in part of U.S. Survey 2496, Township 45 North, Range 6 East, and being part of Parcel 2 as conveyed to Brown Shoe Company, Inc., as described in Deed Book 17424, Page 1111 of the land records of said St. Louis County, Missouri



Aerial view of 8802 Ladue Road

A tract of land being part of U.S. Survey 2496, Township 45 North, Range 6 East, in the cities of Clayton and Ladue, St. Louis County, Missouri,

A tract of land being part of U.S. Survey 2496, Township 45 North, Range 6 East, in the cities of Clayton and Ladue, St. Louis County, Missouri,

[illegible]

--- Right-of-Way Dedication to the City of Clayton, St. Louis County, Missouri. ---

A tract of land located in the City of Clayton, the County of St. Louis, and the State of Missouri, known as part of U.S. Survey 1896, Township 4 North, Range 6 East, and being part of Parcel 2 of the original of Brown Stone Company, Inc., as described in Book 35-142, Page 10111 of the St. Louis County Record, being more particularly described as follows:

Section 16 of Township 4 North and Range 6 East of U.S. Survey 1896, containing 360 acres of land, being 1/2 of the original tract of 720 acres, being 1/2 of the original tract of 1440 acres, being 1/2 of the original tract of 2880 acres, being 1/2 of the original tract of 5760 acres, being 1/2 of the original tract of 11520 acres, being 1/2 of the original tract of 23040 acres, being 1/2 of the original tract of 46080 acres, being 1/2 of the original tract of 92160 acres, being 1/2 of the original tract of 184320 acres, being 1/2 of the original tract of 368640 acres, being 1/2 of the original tract of 737280 acres, being 1/2 of the original tract of 1474560 acres, being 1/2 of the original tract of 2949120 acres, being 1/2 of the original tract of 5898240 acres, being 1/2 of the original tract of 11796480 acres, being 1/2 of the original tract of 23592960 acres, being 1/2 of the original tract of 47185920 acres, being 1/2 of the original tract of 94371840 acres, being 1/2 of the original tract of 188743680 acres, being 1/2 of the original tract of 377487360 acres, being 1/2 of the original tract of 754974720 acres, being 1/2 of the original tract of 1509949440 acres, being 1/2 of the original tract of 3019898880 acres, being 1/2 of the original tract of 6039797760 acres, being 1/2 of the original tract of 12079595520 acres, being 1/2 of the original tract of 24159191040 acres, being 1/2 of the original tract of 48318382080 acres, being 1/2 of the original tract of 96636764160 acres, being 1/2 of the original tract of 193273528320 acres, being 1/2 of the original tract of 386547056640 acres, being 1/2 of the original tract of 773094113280 acres, being 1/2 of the original tract of 1546188226560 acres, being 1/2 of the original tract of 3092376453120 acres, being 1/2 of the original tract of 6184752906240 acres, being 1/2 of the original tract of 12369505812480 acres, being 1/2 of the original tract of 24739011624960 acres, being 1/2 of the original tract of 49478023249920 acres, being 1/2 of the original tract of 98956046499840 acres, being 1/2 of the original tract of 197912092999680 acres, being 1/2 of the original tract of 395824185999360 acres, being 1/2 of the original tract of 791648371998720 acres, being 1/2 of the original tract of 1583296743997440 acres, being 1/2 of the original tract of 3166593487994880 acres, being 1/2 of the original tract of 6333186975989760 acres, being 1/2 of the original tract of 12666373951979520 acres, being 1/2 of the original tract of 25332747903959040 acres, being 1/2 of the original tract of 50665495807918080 acres, being 1/2 of the original tract of 101330991615836160 acres, being 1/2 of the original tract of 202661983231672320 acres, being 1/2 of the original tract of 405323966463344640 acres, being 1/2 of the original tract of 810647932926689280 acres, being 1/2 of the original tract of 1621295865853378560 acres, being 1/2 of the original tract of 3242591731706757120 acres, being 1/2 of the original tract of 6485183463413514240 acres, being 1/2 of the original tract of 12970366926827028480 acres, being 1/2 of the original tract of 25940733853654056960 acres, being 1/2 of the original tract of 51881467707308113920 acres, being 1/2 of the original tract of 103762935414616227840 acres, being 1/2 of the original tract of 207525870829232455680 acres, being 1/2 of the original tract of 415051741658464911360 acres, being 1/2 of the original tract of 830103483316929822720 acres, being 1/2 of the original tract of 1660206966633859645440 acres, being 1/2 of the original tract of 3320413933267719290880 acres, being 1/2 of the original tract of 6640827866535438581760 acres, being 1/2 of the original tract of 13281657333070877163520 acres, being 1/2 of the original tract of 26563314666141754327040 acres, being 1/2 of the original tract of 53126629332283508654080 acres, being 1/2 of the original tract of 106253258664567017308160 acres, being 1/2 of the original tract of 212506517329134034616320 acres, being 1/2 of the original tract of 425013034658268069232640 acres, being 1/2 of the original tract of 850026069316536138465280 acres, being 1/2 of the original tract of 1700052138633072276930560 acres, being 1/2 of the original tract of 3400104277266144553861120 acres, being 1/2 of the original tract of 6800208554532289107722240 acres, being 1/2 of the original tract of 13600417109064578215444480 acres, being 1/2 of the original tract of 27200834218129156430888960 acres, being 1/2 of the original tract of 54401668436258312861777920 acres, being 1/2 of the original tract of 108803336872516625723555840 acres, being 1/2 of the original tract of 217606673745033251447111680 acres, being 1/2 of the original tract of 435213347490066502894223360 acres, being 1/2 of the original tract of 870426694980133005788446720 acres, being 1/2 of the original tract of 1740853389960266011576893440 acres, being 1/2 of the original tract of 3481706779920532023153786880 acres, being 1/2 of the original tract of 6963413559841064046307573760 acres, being 1/2 of the original tract of 13926827119682128092615147520 acres, being 1/2 of the original tract of 27853654339364256185230295040 acres, being 1/2 of the original tract of 55707308678728512370460590080 acres, being 1/2 of the original tract of 111414617357457024740921180160 acres, being 1/2 of the original tract of 222829236714914049481842360320 acres, being 1/2 of the original tract of 445658473429828098963684720640 acres, being 1/2 of the original tract of 891316946859656197927369441280 acres, being 1/2 of the original tract of 1782633893719312395854738882560 acres, being 1/2 of the original tract of 3565267787438624791709477765120 acres, being 1/2 of the original tract of 7130535574877249583418955530240 acres, being 1/2 of the original tract of 14261071149754499166837911060480 acres, being 1/2 of the original tract of 28522142299508998367675822120960 acres, being 1/2 of the original tract of 57044284599017996735351644241920 acres, being 1/2 of the original tract of 114088569198035993470703288483840 acres, being 1/2 of the original tract of 2281771383960719869414065769677760 acres, being 1/2 of the original tract of 4563542767921439738828131539355520 acres, being 1/2 of the original tract of 9127085535842879477656263078711040 acres, being 1/2 of the original tract of 18254171071685758955312526151422080 acres, being 1/2 of the original tract of 365083421433715179106250523028445440 acres, being 1/2 of the original tract of 730166842867430358212501046056890880 acres, being 1/2 of the original tract of 146033368573486071642500209211377920 acres, being 1/2 of the original tract of 292066737146972132885000418422755840 acres, being 1/2 of the original tract of 584133474293944265770000836845511680 acres, being 1/2 of the original tract of 1168266948587888531540001673691023360 acres, being 1/2 of the original tract of 2336533897175777063080003367382046720 acres, being 1/2 of the original tract of 4673067794351554126160006734764093440 acres, being 1/2 of the original tract of 9346135588703108252320013469528186880 acres, being 1/2 of the original tract of 1869227117740621650464002693905637760 acres, being 1/2 of the original tract of 373845423548124330092800538781127553280 acres, being 1/2 of the original tract of 747690847096248660185600107562255106560 acres, being 1/2 of the original tract of 1495381694192497320371200215124510213120 acres, being 1/2 of the original tract of 2990763388384994640742400430249020426240 acres, being 1/

[illegible]

Containing 2,700 Acres (19,300 Square Feet) more or less according to Survey by Grant Consulting dated August 2014.

PREPARED FOR:
Compton Realty Partners
1500 Wilshire Boulevard
12th N. Westwood Avenue
20th Floor
Westwood, CA 90024

--- OWNER'S CERTIFICATE ---

(1) or (b) The undersigned owner(s) of land hereupon plotted and further described in the foregoing description, have caused the land area in the manner shown on this plat to be surveyed, which tract hereafter be known as "Vanguard Addition Subdivision Plat".

The parcels within adjoining of Lake Road and Coy Avenue as shown hereon plotted, hereon is hereby dedicated to the City of Dayton, Maytown for public use forever.

No other easements are dedicated by this plat.

I, John C. Pate
 do hereby certify that I have received at my home on the 22nd day of
July, 1915
 General Vanguard Clayton Agreements L.P., a Delaware limited Partnership
 of the State of Missouri
 County of St. Louis
 the sum of Five Dollars
 for the purpose of the purchase of the shares of the General P
 of the owner

On this 20th day of July, 2015 before me did appear WILLIAM J. HARRIS, JR. who being by me duly sworn did say that he is the owner of Virginia Junior Apartments L.P., a Delaware limited partnership, and that said Virginia Junior Apartments L.P. is a wholly owned subsidiary of WILLIAM J. HARRIS, JR., a Delaware corporation, and that said WILLIAM J. HARRIS, JR. is the sole owner of said corporation, and that said WILLIAM J. HARRIS, JR. is the sole owner of said partnership.

In testimony whereof, I have hereunto set my hand and affixed my official seal in the county of Allegheny and State of Pennsylvania, this 20th day and year last above written.

[illegible]

LER HODGE: 1400 3RD Bk
 12/20/1904
 100
 STATE OF MISSOURI
 COUNTY OF ST. LOUIS
 On the 22nd day of July 1904 before me, the undersigned, a Notary Public in and for the State of Missouri, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed. My commission expires on the 10th day of June, 1905.
 In testimony whereof, I have hereunto set my hand and delivered my official seal in the county and State aforesaid the day and year last above written.

NOTARY PUBLIC

My commission expires 9/21/2017

STATE OF TEXAS
COUNTY OF DALLAS

My commission expires 9/21/2017

--- CITY OF CLAYTON CERTIFICATE ---

This is to certify that the plot of "Unincorporated Subdivision Plot" was approved by the Board of Aldermen of the City of Clayton, Missouri the 20th day of March 2015 by ordinance no. 16-532.

[Signature]
CITY CLERK.

7-22-15
DATE

MAJOR Charles F. Gray DATE 7-22-15

[illegible]

IN WITNESS WHEREOF, we hereunto set our hand and seal this 14th day of July, 2015.

GRAMES CONSULTING, INC. LS-343-D
Paul E. Graham
 by Paul E. Graham
 PAUL E. GRAHAM, PLS-22627